

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON  
DATA SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR  
COMMERCIAL PARTNERS; BRIAN  
WATSON; STERLING NCP FF, LLC;  
MANASSAS NCP FF, LLC; NSIPI  
ADMINISTRATIVE MANAGER; NOVA  
WPC LLC; WHITE PEAKS CAPITAL LLC;  
VILLANOVA TRUST; CARLETON  
NELSON; CASEY KIRSCHNER;  
ALLCORE DEVELOPMENT LLC;  
FINBRIT HOLDINGS LLC; CHESHIRE  
VENTURES LLC; 2010 IRREVOCABLE  
TRUST; SIGMA REGENERATIVE  
SOLUTIONS LLC; CTBSRM, INC.;  
RODNEY ATHERTON; DEMETRIUS VON  
LACEY; RENRETS LLC,

Defendants.

CASE NO. 1:20-CV-484-RDA-TCB

800 HOYT LLC,

Intervening Interpleader  
Plaintiff, Intervening  
Interpleader Counter-  
Defendant,

v.

BRIAN WATSON; WDC HOLDINGS, LLC;  
BW HOLDINGS, LLC,

Interpleader Defendants,

and

AMAZON.COM, INC., and AMAZON  
DATA SERVICES, INC.,

Interpleader Defendants,  
Interpleader Counter-Plaintiffs.

**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER  
LIMITING SCOPE OF RULE 30(b)(6) DEPOSITION**

Pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure, Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc. (“Plaintiffs” or “Amazon”) respectfully move the Court to grant a protective order to limit the scope of Amazon’s Rule 30(b)(6) deposition.

Rule 26(c) provides authority for a district court to issue protective orders upon the motion of a party or person from whom discovery is sought, if good cause is shown. *Brittain v. Stroh Brewery Co.*, 136 F.R.D. 408, 412 (M.D.N.C. 1991); *see generally* 8 Wright & Miller, Federal Practice and Procedure § 2035, at 264 (1970). It “confers broad discretion on the trial court to decide when a protective order is appropriate and what degree of protection is required.” *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984). And it allows the court to take steps to prevent “annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c)(1). Specifically, one protection the court may order is to limit the scope of a Rule 30(b)(6) deposition. Fed. R. Civ. P. 26(c)(1)(D); *see also, e.g., Beach v. Costco Wholesale Corp.*, No. 5:18-CV-00092, 2019 WL 1495296, at \*2 (W.D. Va. Apr. 4, 2019) (issuing “a protective order limiting the scope of [the plaintiff’s] proposed Rule 30(b)(6) deposition topics”); *Acosta v. Med. Staffing of Am., LLC*, No. 2:18CV226, 2019 WL 911268, at \*1 (E.D. Va. Feb. 20, 2019) (same); *accord, e.g., Nicholas v. Wyndham Int’l, Inc.*, 373 F.3d 537, 543–44 (4th Cir. 2004) (affirming district court order denying discovery and granting protective order precluding Rule 30(b)(6) deposition).

A protective order is appropriate here. Plaintiffs have agreed to prepare a witness to testify (or otherwise provide discovery) in response to at least **97 topics**, which together cover virtually all liability and damages issues on which an Amazon witness could competently testify. The one remaining topic (Topic 114)<sup>1</sup> is objectionable and outside the scope of appropriate discovery under

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<sup>1</sup> At 11.20 am today, approximately 40 minutes before the parties’ agreed and Court-approved filing deadline for this motion, Defendants accepted Amazon’s proposal for resolving objections

Rule 26 because it (a) seeks information that is inappropriate for Rule 30(b)(6) testimony, (b) concerns information that is not relevant to the claims before the Court and is unduly burdensome in proportion to any relevance Defendants may assert, and (c) would impermissibly require Amazon's corporate representative to reveal attorney work product. The attorney work product doctrine protects "information which an attorney secures from a witness while acting for his client in anticipation of litigation" and precludes discovery of what witnesses may have said to the attorney. *Hickman v. Taylor*, 329 U.S. 495, 508, 511–12 (1947). Defendants are not entitled to discovery of this information through Amazon's attorneys or through a corporate designee pursuant to Rule 30(b)(6). Fed. R. Civ. P. 26(c); *see also Hickman*, 329 U.S. at 508, 511–12; *Upjohn Co. v. United States*, 449 U.S. 383, 399 (1981); *In re Grand Jury Subpoena*, 870 F.3d 312, 318 (4th Cir. 2017); *SEC v. SBM Inv. Certificates Inc.*, 2007 WL 609888, at \*24 (D. Md. Feb. 23, 2007).

Accordingly, Plaintiffs respectfully request that this Court issue a protective order limiting the scope of Amazon's Rule 30(b)(6) deposition to exclude Topic 114.

Dated: August 22, 2022

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Respectfully submitted,

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to two other topics (34 and 42) on which the parties remained at impasse on Friday. Amazon is in the process of updating its papers to reflect this resolution.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I will then send the document and a notification of such filing (NEF) to the following parties via U.S. mail to their last-known address and by email, where noted:

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